

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Case No. 20 B 02010
)	
TINA GUIDER,)	Chapter 13
)	
Debtor.)	Hon. LaShonda A. Hunt

**NOTICE OF MOTION OF EXETER FINANCE LLC
TO MODIFY AUTOMATIC STAY**

VIA ELECTRONIC NOTICE:

To: Glenn B. Stearns (Trustee)
801 Warrenville Road, Suite 650
Lisle, Illinois 60532

David M. Siegel, Esq. (Debtor's Counsel)
David M. Siegel & Associates
790 Chaddick Drive
Wheeling, Illinois 60090

VIA U.S. MAIL:

To: Tina Guider (Debtor)
16773 Hazelwood Drive
Plainfield, Illinois 60586

PLEASE TAKE NOTICE that on December 4, 2020 at 10:15 a.m., or as soon thereafter as counsel may be heard, I will appear before the Honorable LaShonda A. Hunt, or any judge sitting in his/her stead, and present the *Motion of Exeter Finance LLC to Modify Automatic Stay*, a copy of which is attached.

This motion will be presented and heard telephonically using AT&T Teleconference. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must call in to the hearing using the following information—Toll Free Number: 1-888-557-8511; Access Code: 7490911.

If you object to this Motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the Motion will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the Motion in advance without a hearing.

Respectfully submitted,
EXETER FINANCE LLC,
Creditor,
By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
Rocio Herrera (Ill. #6303516)
Sorman & Frankel, Ltd.
180 North LaSalle Street, Suite 2700
Chicago, Illinois 60601
(312) 332-3535 / (312) 332-3545 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 180 North LaSalle Street, Chicago, Illinois on November 17, 2020, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman

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In Re:)	Case No. 20 B 02010
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)	
Debtor.)	Hon. LaShonda A. Hunt

**MOTION OF EXETER FINANCE LLC
TO MODIFY AUTOMATIC STAY**

EXETER FINANCE LLC (“Exeter”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. §362 (West 2020), and such other Sections and Rules may apply, to enter an Order modifying the automatic stay provided therein. In support thereof, Exeter states as follows:

1. On January 23, 2020, Tina Guider (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code. On April 28, 2020, Debtor filed an Amended Chapter 13 Plan, which provides for direct payments from Debtor to Exeter on Exeter’s secured claim, and which was confirmed on May 8, 2020.

2. Exeter is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2017 Nissan Sentra motor vehicle bearing a Vehicle Identification Number of 3N1AB7AP1HY206208 (the “Vehicle”). (See Ex. “A”).

3. As set forth in the Retail Installment Contract attached as Exhibit “A”, Debtor was required to tender equal monthly payments to Exeter, each in the sum of \$418.05 with an interest rate of 25.28%. (See Ex. “A”).

4. Debtor has failed to make required payments to Exeter due on and after September 8, 2020, resulting in a current default of \$1,254.15; the next payment of \$418.05 comes due on December 8, 2020.

5. The current total outstanding balance due to Exeter from the Debtor for the Vehicle is \$15,256.03.

6. Debtor has failed to provide Exeter or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying Exeter as the lienholder/loss payee.

7. As such, Exeter seeks relief from the automatic stay so that Exeter may take possession of and sell the Vehicle and apply the sales proceeds to the balance due from Debtor.

8. Debtor has not offered, and Exeter is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtor has no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtor.

9. Exeter will suffer irreparable injury, harm, and damage should it be delayed in taking possession of and foreclosing its security interest in the Vehicle.

10. Exeter requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.

WHEREFORE, Exeter Finance LLC respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay provided by Section 362 of the Bankruptcy Code to permit Exeter to take immediate possession of and foreclose its security interest in the 2017 Nissan Sentra motor vehicle bearing a Vehicle Identification Number of 3N1AB7AP1HY206208; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,

EXETER FINANCE LLC,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
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